



**EXPRESS MAIL LABEL #EL 385572755 US**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Wolf-Georg FORSSMANN, et al.	)	<b>Confirmation No. 9824</b>
	)	
Serial No. 09/242,254	)	Group Art Unit: 1743
	)	
Filed: May 7, 1999	)	Docket No.: VOS-201
	)	
For: PROCESS FOR DETERMINING	)	
THE STATUS OF AN ORGANISM	)	
BY PEPTIDE MEASUREMENT	)	Examiner: Arlen Soderquist

ATTENTION: TECHNOLOGY UNIT 1743  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**PETITION UNDER 37 CFR §1.181(a) TO WITHDRAW HOLDING OF  
ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION AND  
PAYMENT OF ISSUE FEE DUE**

Sir:

1. Petition To Withdraw Holding of Abandonment Based on Failure to Receive Office Action filed under the provisions of 37 CFR §1.181(a), no fee required.

On August 31, 2004, the undersigned attorney of record received an Office communication mailed on August 25, 2004 with a Notice of Abandonment for failure to pay the required issue fee. (Copy enclosed as Exhibit A). The undersigned attorney of record attests that the Notice of Allowance and Fee Due was not received and that an immediate search of the file jacket and docket records indicated that no Notice of Allowance and Fee Due communication was ever received for the above-identified application. (See photocopy of the file jacket of the subject application enclosed as Exhibit B which shows no entry of any communication received entitled as Notice of Allowance and Fee Due or of receipt of any other Office communication since February 5, 2004 until the Office Communication of August 25, 2004.)

On September 1, 2004, Mr. Ross, patent agent of record, at the request of the undersigned, telephoned the Office concerning non-receipt of the Notice of Allowance and Fee Due. Mr. Ross spoke to Ms. Jill A. Warden of Art Unit 1743, who upon discussing the matter with Mr. Ross noted that our firm's mailing address was incorrectly typed in the Office's computer system as "201" North Wacker Drive instead of "20" North Wacker Drive. Ms Warden then faxed Mr. Ross a copy of the Notice of Allowance and Issue Fee Due, on September 1, 2004, with a comment that the address was being corrected in the Patent Office computer system.

**BEST AVAILABLE COPY**

Filed: May 7, 1999

(See "Comments" on the copy of the fax cover sheet and the incorrect address on the attached Notice of Allowance and Issue Fee due enclosed herein, as Exhibit C.) Thus, we first received the Notice of Allowance and Issue Fee when it was faxed to us on September 1, 2004 by Ms. Warden.

In further support of non-receipt, the following evidence and comments are provided.

a. Our firm's practice upon receiving official Patent Office communications by mail is to have the mail clerk route the communication to the docket clerk, as evidenced in Exhibit A by the stamped statement, "To Docket" which is initialed by the mail clerk, "rd". The docket clerk then stamps "Entered" on the document, adds handwritten docket dates, and initials the date stamp "KF". The docket clerk then also enters the title of the communication in the "Action" column on the file jacket. (See Exhibit A.)

b. The comment on the Fax Cover Sheet of Exhibit C by Ms. Warden attests that the mailing address on the Notice of Allowance was incorrectly entered into the Patent Office computer system. The Postal Service did not deliver the original Notice of Allowance and Fee Due communication to our office. Moreover, the incorrect address entered into the Patent Office computer system is non-existent. A copy of a Mapquest address locator search is enclosed as Exhibit D, which shows that no 201 North Wacker Drive was located in Chicago; there is a 201 South, a 201 East and a 201 West Wacker location but no 201 North Wacker. Hence, receipt by our office of any such misaddressed mailings depends on the mercy and alertness of the particular U.S. Postal Service mail carrier who happens to be on duty on a given day.

c. The incorrect mailing address was not the fault of the applicants or their attorneys. Rather, the Patent Office incorrectly entered the wrong address in its computer system upon receipt of the Revocation and Power of Attorney appointing the undersigned as applicants' representative. The Revocation and Power of Attorney form included the undersigned's correct address. (See copy of the Revocation and Power of Attorney enclosed as Exhibit F.)

d. The undersigned was unaware of the existence of the Notice of Allowance and Issue Fee Due until the Notice of Abandonment (Exhibit A) fortuitously was delivered, despite also being misaddressed. The undersigned was unable to electronically check the status of the application through the private PAIR system, because the Patent Office has not correlated the application with our Customer No. in the PAIR database. In the interest of correcting this problem, and prior to receiving the Notice of Abandonment, a Change of Correspondence Address PTO/SB122 form was submitted by mail on August 27, 2004, a copy of which is enclosed as Exhibit E, along with a copy of the return postcard bearing the OPIE date received stamp of August 30, 2004.

Accordingly, the applicants request that the petition for withdrawal of the holding of abandonment, based on failure to receive the Office Action, be granted and the patent be issued.

Serial No. 09/242.254 ----- 3

Filed: May 7, 1999

2. Payment of Issue Fee Due.

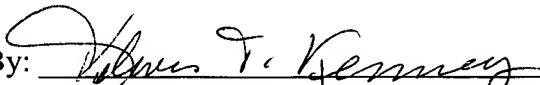
In further interest of expediting resolution, the applicants also are concurrently submitting the required issue fee and request acceptance and application thereof.

Respectfully submitted,

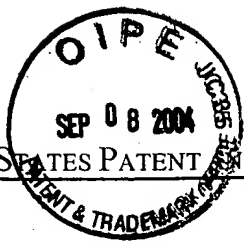
**CUSTOMER NO.: 002387**

Dated: September 8, 2004

By: \_\_\_\_\_

  
Dolores T. Kenney (Reg. No. 31,269)

OLSON & HIERL, LTD.  
20 North Wacker Drive  
36<sup>th</sup> Floor  
Chicago, Illinois 60606  
(312) 580-1180



To  
Docket *mf*

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/242,254	05/07/1999	WOLF-GEORG FORSSMANN	FORSSMANNETA	9824

7590 08/25/2004  
Dolores T. Kenney  
OLSON & HIERL, LTD.  
201 North Wacker Drive  
36th floor  
Chicago, IL 60606

RECEIVED

AUG 31 2004

OLSON & HIERL, LTD.

EXAMINER

SODERQUIST, ARLEN

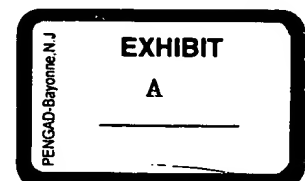
ART UNIT PAPER NUMBER

1743

DATE MAILED: 08/25/2004



Please find below and/or attached an Office communication concerning this application or proceeding.





UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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09/24/254

EXAMINER
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ART UNIT	PAPER NUMBER
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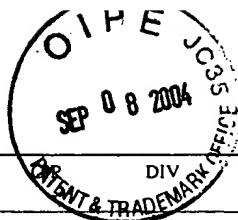
DATE MAILED:

### NOTICE OF ABANDONMENT

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.
- ☐ A reply (with Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_ which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
- ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- ☐ A reply was received on \_\_\_\_\_, but it does not constitute a proper reply, or a *bona fide* attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in the last box below).
- ☐ No reply has been received.
- ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
- ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85)(or Notice of Publication Fee Due).
- ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required, by 37 CFR 1.18(d) is \$\_\_\_\_\_.
- ☒ The issue fee and publication fee, if applicable, have not been received.
- ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).
- ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
- ☐ No corrected drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below: \_\_\_\_\_  
Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

10



VOS-201

CIRCLE ONE	DIV	PROV	CPA	CONT	DOCKET NO. <b>VOS-201</b>
CLIENT <b>VOSSLUS - BIOVISION</b>				REF	CLIENT CODE <b>161926.01</b>
INVENTOR(S) <b>IDOLF-GEORG FORSSMANN PETER SCHULTZ-KNAPPE, MICHAEL SCHRAEDER, HANS-GEORG OPTZ</b>					
TITLE <b>PROCESS FOR DETERMINING THE STATUS OF AN ORGANISM BY PEPTIDE MEASUREMENT</b>					
ASSIGNEE <b>BIO VISION, AG (change of name)</b>		RECORDED <b>2/1/02</b>		REEL <b>612579</b> FRAME <b>0321</b>	
FILING DATE <b>May 7, 1999</b>		SERIAL NO. <b>09/242,254 (National Stage of PCT/EP97/04396)</b>			
ISSUED		PATENT NO.			

ACT. DATE	DUE DATE	ACTION	RESP. DT	RESPONSE
9/9/03	12-9-03	NON-FINAL OFFICE ACTION	1-8-04	AMENDMENT + RESPONSE
2/5/04	—	Notice of Acceptance of Power of Attorney		+ Revocation of Power of Attorney
8-25-04	10-25-04	NOTICE OF ABANDONMENT	8-27-04	Change of corresp address (P10/SB/122)

CHECK LIST	DATE FILED / RECEIVED
SMALL ENTITY <input checked="" type="checkbox"/>	
IDS	
FORMAL DRAWINGS	
FILING RECEIPT	

FOREIGN FILINGS

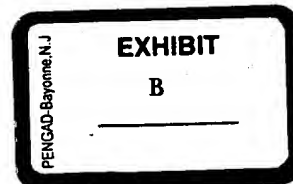
RELATED U.S. CASES	CASE NO.

FOREIGN PRIORITY		
DATE	COUNTRY	APPLN. NO.
<b>Aug. 13, 1996</b>	<b>DE 196325268</b>	
<b>Jun 16, 1997</b>	<b>DE 1972536.8</b>	

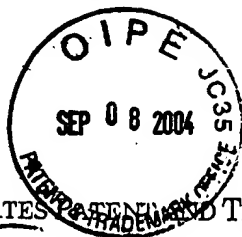
MAINTENANCE FEES			
YEARS	3 1/2	7 1/2	11 1/2
DUE			
PAID			

FILE TRANSFERRED FROM COLLARD &amp; ROE, P.C. 11/19/03

OLSON &amp; HIERL, LTD.

20 North Wacker Drive - 36th Floor  
Chicago, IL 60606

CLIENT: **Valken Vossius**  
INVENTORS: **FORSSMANN, SCHULTZ-KNAPPE, SCHRAEDER, OPTZ**  
DOCKET NO. **VOS-201**  
PATENT NO. **09/242,254**



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
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P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

## Fax Cover Sheet

RECEIVED

SEP - 1 2004

OLSON &amp; HIERL, LTD.

Date: 01 Sep 2004

To: Robert Ross	From: Jill A. Warden
Application/Control Number: 09/242,254	Art Unit: 1743
Fax No.: 312-580-1189	Phone No.: (571) 272-1267
Voice No.: (516) 365-9802	Return Fax No.: (703) 872-9306
Re:	CC:

☐ Urgent 
 ☒ For Review 
 ☐ For Comment 
 ☐ For Reply 
 ☐ Per Your Request

## Comments:

Here is the Notice of Allowance and Issue Fee Due. I have also corrected your address in our computer system to avoid future problems.

Number of pages 5 including this page

## STATEMENT OF CONFIDENTIALITY

This facsimile transmission is an Official U.S. Government document which may contain information which is privileged and confidential. It is intended only for use of the recipient named above. If you are not the intended recipient, any dissemination, distribution or copying of this document is strictly prohibited. If this document is received in error, you are requested to immediately notify the sender at the above indicated telephone number and return the entire document in an envelope addressed to:

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PENGAD-Bayonne, N.J.

EXHIBIT

C



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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Alexandria, Virginia 22313-1450  
www.uspto.gov

## NOTICE OF ALLOWANCE AND FEE(S) DUE

7590

03/24/2004

Dolores T. Kenney  
OLSON & HIERL, LTD.  
201 North Wacker Drive  
36th floor  
Chicago, IL 60606

EXAMINER

SODERQUIST, ARLEN

ART UNIT

PAPER NUMBER

1743

DATE MAILED: 03/24/2004

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/242,254	05/07/1999	WOLF-GEORG FORSSMANN	FORSSMANNETA	9824

TITLE OF INVENTION: PROCESS FOR DETERMINING THE STATUS OF AN ORGANISM BY PEPTIDE MEASUREMENT

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$665	\$0	\$665	06/24/2004

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

## HOW TO REPLY TO THIS NOTICE:

## I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.

☐ Applicant claims SMALL ENTITY status.  
See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.



## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** Mail Stop ISSUE FEE  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 or Fax (703) 746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

7590

03/24/2004

Dolores T. Kenney  
 OLSON & HIERL, LTD.  
 201 North Wacker Drive  
 36th floor  
 Chicago, IL 60606

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/242,254	05/07/1999	WOLF-GEORG FORSSMANN	FORSSMANNETA	9824

TITLE OF INVENTION: PROCESS FOR DETERMINING THE STATUS OF AN ORGANISM BY PEPTIDE MEASUREMENT

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$665	\$0	\$665	06/24/2004

EXAMINER	ART UNIT	CLASS-SUBCLASS
SODERQUIST, ARLEN	1743	436-173000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1	
2	
3	

## 3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ individual ☐ corporation or other private group entity ☐ government

4a. The following fee(s) are enclosed:

- ☐ Issue Fee
- ☐ Publication Fee
- ☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

Director for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature)

(Date)

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMIT THIS FORM WITH FEE(S)



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/242,254	05/07/1999	WOLF-GEORG FORSSMANN	FORSSMANNETA	9828
7590 03/24/2004 Dolores T. Kenney OLSON & HIERL, LTD. 201 North Wacker Drive 36th floor Chicago, IL 60606			EXAMINER SODERQUIST, ARLEN	
			ART UNIT 1743	PAPER NUMBER
DATE MAILED: 03/24/2004				

## Determination of Patent Term Extension under 35 U.S.C. 154 (b) (application filed after June 7, 1995 but prior to May 29, 2000)

The Patent Term Extension is 0 day(s). Any patent to issue from the above-identified application will include an indication of the 0 day extension on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Extension is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

**Notice of Allowability**

Application No.

09/242,254

Examiner

Arlen Soderquist

Applicant(s)

FORSSMANN ET AL.

Art Unit

1743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the paper mailed 1-8-04.
2. ☒ The allowed claim(s) is/are 1,5,6,9 and 16-34.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |                                                                                                                     |                                                                                        |
|---------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
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*Arlen Soderquist*

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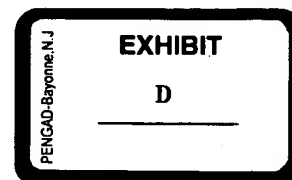
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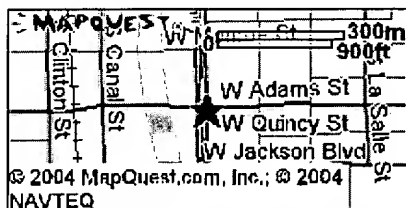
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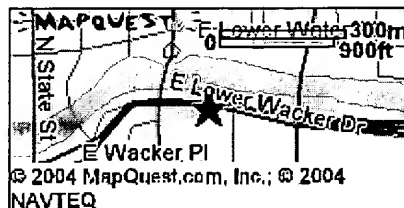
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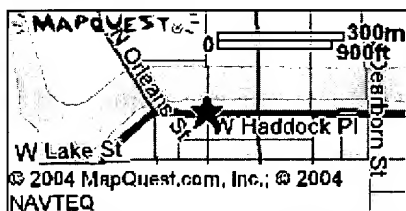
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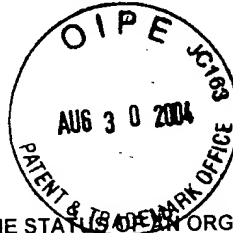
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Serial No.: 09/242,254  
Filed: May 7, 1999  
Group Art Unit: 1743

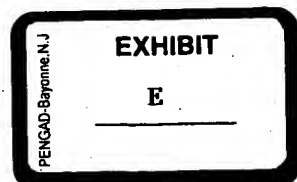


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(VOS-201)

For: PROCESS FOR DETERMINING THE STATUS OF AN ORGANISM BY PEPTIDE MEASUREMENT

Enclosures: COMMUNICATION LETTER (1 page); CHANGE OF CORRESPONDENCE ADDRESS - (APPLICATION FORM #PTO/SB/122); and this stamped return addressed postcard.

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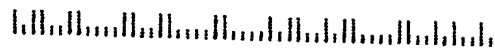
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Wolf-Georg FORSSMANN, et al. ) CUSTOMER NO.: 002387  
Serial No. 09/242,254 ) Group Art Unit: 1743  
Filed: May 7, 1999 ) Docket No.: VOS-201  
For: PROCESS FOR DETERMINING )  
THE STATUS OF AN ORGANISM )  
BY PEPTIDE MEASUREMENT )  
Examiner: Arlen Soderquist )

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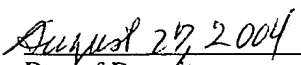
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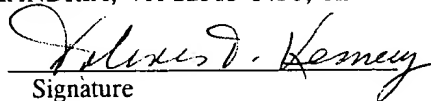
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Application Number	09/242,254
Filing Date	May 7, 1999
First Named Inventor	Wolf-Georg FORSSMANN, et al.
Art Unit	1743
Examiner Name	Arlen Soderquist
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- ☐ Registered practitioner named in the application transmittal letter in an application without an executed oath or declaration. See 37 CFR 1.33(a)(1). Registration Number \_\_\_\_\_

Typed or Printed  
Name Dolores T. Kenney

Signature *Dolores T. Kenney*

Date August 27, 2004

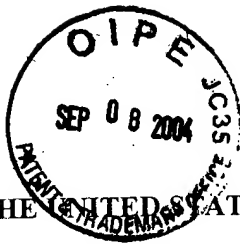
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Applicant(s): Wolf-Georg FORSSMANN, )  
Peter SCHULZ-KNAPPE, )  
Michael SCHRADER and )  
Hans-Georg OPITZ )

Application No. 09/242,254 )

Filed: May 7, 1999 )

For: PROCESS FOR DETERMINING THE )  
STATUS OF AN ORGANISM BY PEPTIDE )  
MEASUREMENT )

Examiner: Arlen Soderquist )

Group Art Unit: 1743

Docket No. VOS-201

**LETTER**

Commissioner for Patents  
P. O. Box 1450  
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Sir:

Transmitted herewith is a Revocation and Power of Attorney signed by Dr. Sven Rohmann, Chief Executive Officer of BioVision AG, for the above-identified application. Please direct all future communications regarding this case to the undersigned.

Respectfully submitted,

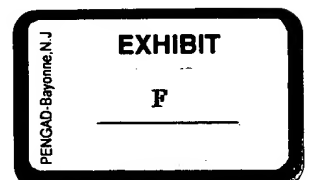
By: *Dolores T. Kenney*  
Dolores T. Kenney (Reg. No. 31,269)

OLSON & HIERL, LTD.  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Wolf-Georg FORSSMANN,  
Peter SCHULZ-KNAPPE, Michael  
SCHRADER and Hans-Georg OPITZ

Application No. 09/242,254

Filed: May 7, 1999

For: PROCESS FOR DETERMINING THE STATUS OF  
AN ORGANISM BY PEPTIDE MEASUREMENT

Examiner: Arlen Soderquist

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) Group Art Unit: 1743  
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) Docket No. VOS-201

REVOCATION AND POWER OF ATTORNEY

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

BioVision, AG, assignee of the entire right, title, and interest in the above identified application by virtue of an assignment recorded in the Patent Office Assignment Records, hereby revokes all previously granted Powers of Attorney for the said application, and appoints the following:

Dolores T. Kenney	Reg. No. 31,269	Arne M. Olson	Reg. No. 30,203
Michael A. Hierl	Reg. No. 29,807	Talivalidis Cepuritis	Reg. No. 20,818
Daniel J. Deneufbourg	Reg. No. 33,637	Seymour Rothstein	Reg. No. 19,369
Joseph M. Kuo	Reg. No. 38,943	Martin J. Corn	Reg. No. 35,847
David A. Gottardo	Reg. No. 46,736	Robert J. Ross	Reg. No. 45,058

all of the firm of OLSON & HIERL, LTD., both jointly and severally, as attorneys with full powers of substitution and revocation, to transact all business in the United States Patent and Trademark Office connected therewith.

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20 North Wacker Drive, 36<sup>th</sup> floor  
Chicago, Illinois 60606

BioVision, AG

Date: 12/12/03

By: 

Name: Dr. Sven Rohmann  
Title: Chief Executive Officer

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